



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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Ted Graziani
Chairman

Tom Palshaw
Vice Chairman

Bill Correia
Keith Durao
Jim Prichard
John Ridzon
Heather Stevens

Charter Revision Commission

REGULAR MEETING MINUTES

May 16, 2018

MEMBERS PRESENT: Bill Correia, Keith Durao, Ted Graziani, Tom Palshaw, Jim Prichard, John Ridzon and Heather Stevens

OTHERS PRESENT: Lori Spielman, First Selectman; Dorian Famiglietti, Town Attorney; Mary Blanchette and Mary Clements, Hall Memorial Library Board of Trustees; Susan Phillips and Cheryl Chamberlin, Hall Memorial Library; Karl Neubecker and Robert Smith and other members of the Ellington Volunteer Fire Department; Simon Hessler and Joe Glomboske, Ellington Volunteer Ambulance Corps; members of the Crystal Lake Fire Department; Melinda Ferry, Board of Selectmen; Don Davis; Tim Webb, Director of Public Works

I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Regular Meeting at 7:38 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, CT.

II. CITIZENS' FORUM [Non-agenda items]:

No one came forward.

III. APPROVAL OF MINUTES:

A. April 18, 2018 Joint Special Meeting Minutes

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED [ABSTAINED: DURAO] TO APPROVE THE CHARTER REVISION COMMISSION AND BOARD OF SELECTMEN JOINT SPECIAL MEETING MINUTES OF APRIL 18, 2018 AS WRITTEN.

B. April 18, 2018 Regular Meeting Minutes

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED [ABSTAINED: DURAO] TO APPROVE THE CHARTER REVISION COMMISSION REGULAR MEETING MINUTES OF APRIL 18, 2018 AS WRITTEN.

IV. UNFINISHED BUSINESS:

A. Discussion regarding proposed changes to:

1. Section 910 – Department of Public Works and new section for the Hall Memorial Library Board of Trustees

Ms. Blanchette distributed a memo (attached) from the Hall Memorial Library Board of Trustees proposing language changes to Section 910 – Department of Public Works and to the new proposed chapter for the Library Board of Trustees.

Ms. Phillips agreed that they need to work in collaboration with the Department of Public Works but did not feel the language was necessary in the Charter.

Attorney Famiglietti stated that if the Town believes it to be more cost effective, efficient and consistent with the maintenance being provided to other Town building to have the DPW perform the library maintenance, then the language, as proposed at the May 16, 2018 meeting (attached) needs to be added to the Charter.

Ms. Blanchette questions if language should be added to address how endowment allocations will be addressed when used for the care and maintenance of the Library.

Mr. Palshaw questioned how small maintenance projects, i.e., fixing tables, chairs, tables, etc., will be addressed. Ms. Spielman responded that all maintenance will be coordinated through the Department of Public Works.

Ms. Phillips and the Library Board of Trustees members left the meeting at this time. Mr. Webb arrived shortly after.

Mr. Webb explained that the DPW Custodians perform daily checks of all Town buildings, except the Library. Department Heads report issues through the Public Works Help Desk (pubworkhelp@ellington-ct.gov). DPW staff investigates and fixes the issues or calls a contractor if necessary. Ms. Spielman stated that the Town is responsible to maintain all Town-owned buildings.

Ms. Chamberlin asked if DPW would have exclusive control or would the Library Board of Trustees have input regarding the selection of new furniture, décor or any redesign. Mr. Webb stated that the Library Board of Trustees would be provided with samples and then they would make the decision and DPW would implement the changes.

Mr. Graziani stated that he will invite the Library Board of Trustees and Mr. Webb to the next meeting to discuss this matter together.

2. Section 923 – Director of Fire & Emergency Medical Services

Mr. Davis stated that Paul Goldberg, Fire Administrator for the Town of Windsor, gave a nice presentation at the Joint Special Meeting and that his position makes sense for the size of Windsor but did not see that such a position was needed in Ellington.

Mr. Glomboske stated that he cannot see the necessity for a Director of Fire and Emergency Medical Services for Ellington, noting they have mutual aid within their organization.

Mr. Hessler stated that that he served for ten years with Windsor Ambulance. He noted that the fire districts (4) were not working together so they hired an administrator. He noted that Ellington Ambulance and both fire departments have a good working relationship.

Karl Neubecker stated that EVFD is not opposed to the proposed Director of Fire & Emergency Medical Services but would like to be involved at the ground level and work with the Town going forward.

Mr. Palshaw questioned if the CRC was going to use the Town of Coventry as a model and if so, he had questions. Mr. Palshaw asked where the office for this position would be located. Ms. Spielman did not see that it was necessary to state in the Charter the location of the office for the Director of Fire & Emergency Medical Services. Mr. Palshaw asked if the proposed Charter language for the Director position should include a five member Board of Fire/EMS Services. Ms. Spielman stated that it has not been discussed previously but she would be in favor of including such language. Mr. Palshaw questioned if the Town was in favor of creating a special revenue fund for the EMS proceeds. Ms. Spielman stated that the Director position would work with EVAC to improve revenue collections but the fund would not be used to purchase fire apparatus.

Mr. Graziani stated that they need to receive input from the fire and EMS departments. This item was tabled to a future meeting.

3. Section 1011 – Purchasing/Competitive Bidding

Mr. Graziani noted that the Board of Selectmen voted to adopt the revisions recommended by the Town Attorney and the Town Ordinance Committee to the Ordinance Concerning Competitive Bidding [Ellington Code 28. 1-28.3]. A Public Hearing will be held on Monday, June 11, 2018 and then must be approved at a future Town Meeting.

This item was tabled to a future meeting.

4. Section 605 – Power to Overrule Town Meeting Action

Mr. Palshaw submitted his research of the history of Section 605 – Power to Overrule Town Meeting Action (attached). This item was tabled to a future meeting.

V. NEW BUSINESS:

A. Consider Other Changes to the Town Charter

No new proposals were received.

VI. ADJOURNMENT:

MOVED (CORREIA), SECONDED (RIDZON) AND PASSED UNANIMOUSLY TO ADJOURN THE REGULAR MEETING OF THE CHARTER REVISION COMMISSION AT 8:53 P.M.

Respectfully submitted,



Marie Sauve
Recording Secretary

Date: May 16, 2018
To: Charter Revision Committee
From: Hall Memorial Library Board of Trustees
Subject: Hall Memorial Library Operations/Administration and Maintenance/Repairs

In regards to the proposed language changes to the Town Charter Section 910, the Library Board of Trustees requests that the language (perform regular and as-needed maintenance and repairs on Hall Memorial Library and the Library facilities and grounds) be revised to read:

Perform regular and as-needed maintenance and repairs on Hall Memorial Buildings and grounds in collaboration with the Library Director and the Library Board of Trustees consistent with Connecticut General Statute 11-33.

In regards to the proposed language (Library Board of Trustees New Chapter to be added to Charter) be revised as follows:

1. In the first paragraph, second sentence from the bottom words (Board may appoint) be changed to (Board SHALL appoint).
2. The second paragraph be deleted.

Respectfully submitted:



Mary Blanchette

Secretary

Hall Memorial Library Board of Trustees

SECTION 910. DEPARTMENT OF PUBLIC WORKS [new language in bold type]

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; **perform regular and as-needed maintenance and repairs on Hall Memorial Library and the library facilities and grounds;** coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds; the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line; to enforce the provisions of the building code, zoning ordinances and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains; and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an exofficio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this charter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the charter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

LIBRARY BOARD OF TRUSTEES [new chapter to be added to Charter]

The Library Board of Trustees, elected as provided in Chapter III of this Charter, shall be responsible for the administration and use of Hall Memorial Library. The Board shall adopt rules and regulations governing such administration and use, provided the use of such library shall be free to all residents of the town under such regulations as the Board shall prescribe, and further provided the Board may exclude from the use of such library any person who willfully violates

such regulations, and still further the Board may extend privileges to use the library to persons residing in this state outside the town upon such terms and conditions as it may prescribe. The Board shall make and adopt policies concerning Internet usage and content accessible to library patrons on computers and other electronic devices provided by the library. The Board shall have exclusive control of the expenditure of moneys allocated to the library through municipal budgetary appropriations. The selection and acquisition of library materials, as well as the development of library programs and the composition of literary and non-literary collections, is within the exclusive control of the Board. The Board may appoint a Library Director, as well as any necessary assistants, and fix their compensation. Any person or entity desiring to make a gift for the benefit of the library may vest title to such donation in the Board, which shall be held and controlled according to the gift's terms, and the Board shall be special trustee of the gift.

Notwithstanding any provision herein to the contrary, the Department of Public Works shall have exclusive control of the care, maintenance and repair of the library building and physical facilities and the library grounds.

Charter Section 605 Power to Overrule Town Meeting Actions

History of Section 605

Ellington's original charter was adopted in 1975. It appears that this section has not been amended since 1975. The 15% requirement is not based on any legal foundation. It is an arbitrary number pulled out of thin air by the original CRC.

The number of registered voters at that time was 4360. The number of votes required to overrule a town meeting action at that time was 654 (15%). This is not an unreasonable number for the time. The number of registered voters today exceeds 10385, making the fifteen percent requirement obsolete. The CCM Information Kit provides some samples to guide us.

The basic principles of our democratic republic are; the **consent of the governed**, the **will of the people**, and **majority rule**. We would need extraordinary circumstances to deviate from these norms. Voters should not lose their franchise because they did not attend a town meeting. 952 voters should not be overruled by 380 voters. The CCM Information Kit provides alternative options.

We would not want to make petitioning for a referendum on any issue so easy as to cause unreasonable disruption or costs to the normal function of government. The five percent (5%) requirement to petition for a referendum should remain unchanged.

I therefore make the following motion:

"I move to amend Section 605, paragraph (d) sentence to read;

Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon shall have voted in favor of overruling such action, provided at least ten (10) percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted on the matter."

Draft paragraph

SECTION 605. POWER TO OVERRULE -- TOWN MEETING ACTIONS

(d) Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum. ***Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon shall have voted in favor of overruling such action, provided at least ten (10) percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted on the matter.*** To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.

CRC Section 605 Power to Overrule

So, what are the questions yet to be answered?

Comments from the BOS meeting Aug 19, 2016: (from the previous CRC)

A. BOS: “agreed that further research and discussion is necessary to determine a good threshold.”

1. Why is the 15% threshold there? It is not based on any legal foundation.

B. BOS: By removing the 15% requirement “special interest groups could easily sway a vote.”

2. Where is the line between a special interest and the will of the people? (A special interest group is a group of voters primarily participate on just one topic but do not show up for broader issues under consideration)

C. Mr. Stromberg: “it has not been a problem in the past”

3. What do you tell the 952 voters who voted to overturn that they were defeated by 380 voters? (2008 referendum)

D. Mr. Turner: “Expressed disappointment that midpoints were not explored.”

4. What should the threshold be, if any?

(See history and proposed motion)

The people are the legislative branch of our town government. They should be on an equal basis to the other branches of government.